

SECRET

COPY No. 8

REPORT
of the
COURT OF INQUIRY
re
SHOOTING OF ALLIED PRISONERS
OF WAR
BY THE GERMAN ARMED FORCES
at
HEROUVILETTE
NORMANDY
6 June, 1944

Copie

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HEROUVILLETTE
CALVADOS, NORMANDY

6 JUNE, 1944.

S E C R E T

SECRET

PART ONE

PROCEEDINGS OF A COURT OF INQUIRY

assembled in the Field

pursuant to an order of the

Supreme Commander,

Allied Expeditionary Force,

dated 20th August, 1944,

and pursuant to

a letter of Supreme Headquarters Allied Expeditionary Force G-1 Division
GAP 900/11 dated 31st August, 1944,

referring

THE HEROUVILLE CASE

to the consideration of the Court.

P A R T I.

1. The British and Canadian Members of the Court, namely Lt.Col. J.H. Boraston and Lt.Col. B.J.S. Macdonald, visited Herouville on 3rd September, 1944, taking with them 202440 Sjt. Chown, T., No. 5 Section, Army Film Unit, to act as photographer, and had photographs taken by Sjt. Chown, under their direction, of the locality.

7th September, 1944

2. The Court assembled at Headquarters, 12 L of C Area, L'Ecole Normale d'Instituteurs, Caen, Calvados, Normandy, at 1035 hours on Thursday, 7th September, 1944.

PRESENT were:-

PRESIDENT.

Colonel PAUL E. TOMBAUGH, U.S. Army,
Supreme Headquarters, A.E.F.

MEMBERS.

Lt.Col. J.H. BORASTON, CB, OBE,
(T.A.R.O., Spec. List) (British)
Supreme Headquarters, A.E.F.

Lt.Col. B.J.S. MACDONALD, ED,
Essex Scottish, (Canadian),
Supreme Headquarters, A.E.F.

IN ATTENDANCE

Captain J.R. GAUTHIER, RCMP (Canadian).

S/961767 Staff-serjeant WILLIAMSON, J.
RASC (Court Reporter)

3. The Members of the Court were sworn by the President. The President was sworn by Lt.Col. J.H. Boraston. Capt. J.R. Gauthier was sworn as Interpreter by the President. S/Sjt. J. Williamson was sworn by the President as Court Reporter.

PART TWO

PART II.

SEC. I. FINDINGS OF THE COURT

1. (a) That two British soldiers met their deaths at or near the Chateau at Herouvillotte, Calvados, Normandy, described in Exhibit "C" as "De Liou Harraa Farm", on 6th June, 1944.

(b) That possibly a third British soldier met his death in similar circumstances in the same locality on the same date.

(c) That five other British soldiers met their deaths in the St. Honorine-Le Mesnil road at or near the entrance to the said Chateau from the said road on the same date.

2. That the British soldiers referred to in paragraph 1 (a) and (b) above were British paratroops, and that the British soldiers referred to in paragraph 1 (c) above were British paratroops or serving with paratroops at the time.

3. That the numbers, ranks, names and units of the said seven or eight British soldiers are not disclosed by the evidence and are unlikely to prove discoverable with any certainty; but that the possibility exists that the seven are as follows:-

<u>No.</u>	<u>Rank.</u>	<u>Name.</u>	<u>Unit.</u>
14654924	Pte.	RUSSON, D.	8 Bn Parachute Regt.
14367919	Dvr.	COATES,	RASC
3321839	Cpl.	BURGESS, E.	
5097971	CMS	ISACS, J.	8 Bn (M.C.) Parachute Regt.
3656971	Pte.	WALTON, S.	8 Bn. Parachute Regt.
274820	Cpl.	LANGDON, R.	8 Bn. Parachute Regt.
14384224	Pte.	MEIKLEJOHN, M.	8 Bn. Parachute Regt.

4. (a) That the British soldiers referred to in paragraph 1 (a) above were murdered by the German armed forces, in violation of the well-recognized laws and usages of war and the terms of the Geneva Conventions of 1929.

(b) That there is a possibility that a third British soldier, referred to in paragraph 1 (b) above, was similarly murdered.

(c) That of the five British soldiers referred to in paragraph 1 (a) above, two and possibly more were brutally done to death when already wounded and helpless, whereby a technical breach of the said laws and usages and of the terms of the said Conventions was committed.

5. (a) That the British soldiers referred to in paragraph 1 (a) and (b) above were prisoners of war at the time of their deaths, having been taken into German custody and interrogated, and were entitled to treatment as such.

(b) That in so far as the two, or possibly more, British soldiers referred to in paragraph 4 (a) above were wounded and helpless when so done to death, they were entitled within the terms of the said Conventions, laws and usages to treatment as prisoners of war; but, in view of the fact that the wounding and the subsequent killing of these two or more British soldiers were both part of a single brief action, with no interval of time between the

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(e) The paratrooper described by the witness DESRUES (page 2 of Exhibit "6") as having been killed beyond the main entrance to the stables (Exhibit "B4", Point "A"). The time of this incident was at or shortly after 0830 hours on 6th June, 1944. Subsequently in his evidence (page 2 of Exhibit "6"), the witness describes this incident as having been the first that he saw.

From the evidence given by this witness and the witness LEVEPRIER on the spot on 8th September, 1944 (pages 1 and 2 of Exhibit "15") it becomes clear that the witness DESRUES in fact saw only one paratrooper shot (if his evidence on this point be reliable) namely the one shot behind the Chateau, and that the time of this shooting was approximately 0730 hours on 6th June, 1944.

18. In the case of the British soldiers killed between 0500 hours and 0530 hours on 6th June, 1944, and between 0600 hours and 0630 hours on 6th June, 1944, the British soldier in each case was brought from the main road to the Chateau under the escort of two German soldiers. While standing outside the main entrance to the Chateau he was searched, was interrogated by a German WCO padre, and was then taken away a short distance by Sjt. KARL FINGENRATH and shot by him at close range.

19. Neither British soldier did anything to justify the shooting.

20. There is a possibility that a third British soldier was shot by Sjt. KARL FINGENRATH in similar circumstances behind the Chateau at about 0730 hours.

B. REASONS FOR FINDINGS

21. Each of these incidents is testified to by an eye-witness, or by one who claims to have been an eye-witness, of the killing, and in the case of incidents (b), (c), (d) and (e), the witness not only testifies to the killing, but gives evidence which, if accepted, establishes as a fact that the British soldier concerned was a prisoner of war, entitled to be treated as such, at the time he was killed.

22. (a) The Court does not accept the evidence of the witness LEVEPRIER as sufficient to establish as a fact the killing of a paratrooper at approximately 0230 hours on 6th June, 1944, though the Court considers that this evidence was given by the witness honestly and recorded what he thought he had seen.

(b) In his first evidence (page 1 of Exhibit "8") the witness states that he was 150 metres from the English soldier who was 150 metres from the German. The incident was seen by moonlight and the witness did not see any dead body, at close quarters, till he took the witness DESRUES to Point "B" on Exhibit "B4" several hours later. The Court accepts his first evidence as recording the witness's original recollection of what he had seen and, notwithstanding that he varied his account when re-examined on the spot, concludes that no paratrooper was killed on this occasion and that the body seen later was that of the paratrooper killed between 0500 hours and 0530 hours.

(c) Regarding the statement by this witness (page 1 of Exhibit "8") that he saw one English soldier killed behind the Chateau, in view of the subsequent evidence given by this witness on the spot, the Court is satisfied that the word "Chateau" is a mistake for the word "stables".

23. The evidence by the witness VOLOSZIN, both on 7th September, 1944, and 8th September, 1944, is consistent and clear, and the witness was a good witness. The Court accepts this evidence and concludes that two British paratroopers who were prisoners of war were shot after interrogation, the one at some time between 0500 hours and 0530 hours, and the other at some time between 0600 hours and 0630 hours, on 6th June, 1944.

24. (a) The evidence given by the witness DESRUES on 7th September, 1944, is confused and is in part contradicted by the evidence which he gave on 8th September, 1944. The Court is satisfied that he did not see any paratrooper shot at the spot beyond the main entrance to the stables and that the body which the witness Leverrier took him to see there was the body of the first paratrooper whom the witness Voloszin saw shot between 0500 hours and 0530 hours on 6th June, 1944.

(b) Regarding the paratrooper which this witness claims to have seen shot behind the Chateau soon after 0730 hours on 6th June, 1944, in his evidence given on the spot on 8th September, 1944, the witness was very clear and definite regarding what he claimed to have seen there. At the hour given, the witness Voloszin had gone under cover (see page 3 of Exhibit "7" and page 2 of Exhibit "15"). The fact that no body was subsequently found on this spot is balanced by the fact that no body was found at point "E" shown on Exhibit "B1" and the early removal of both these bodies can be accounted for by their proximity to the Chateau. But for the doubts concerning this witness's reliability raised by the other evidence given by him, the conclusion of the Court would be that three paratroopers, prisoners of war, were killed at Herouvillette on the morning of 6th June. In view, however, of the unreliability of this witness's evidence in connection with the paratrooper killed at the point beyond the main entrance to the stables, the Court is not fully satisfied that more than two British soldiers, prisoners of war, were killed after interrogation on this date.

25. (a) The Court is satisfied on the evidence that the German soldier who carried out the actual shootings is Sjt. KARL FINGENRATH, belonging to the German Company of Engineers stationed at Herouvillette at the time, and that the Company was commanded by Captain LEO MOLTER. (See the evidence of the following witnesses: Desrues, at pages 1 and 4; Voloszin, at pages 1 and 2; Le Houllier, at pages 1 and 2; Bauer, at pages 1 and 2; Mne Chiltz, at page 2 and M. Chiltz, at page 1).

(b) The Court has not been able to identify by the evidence of the witnesses the number of the Company of Engineers referred to, but the evidence of the witness Le Houllier (page 2, Exhibit "9") gives the Field Post number of the unit as 43893-B.

INCIDENT FALLING INTO CATEGORY 2

A. FACTS.

26. (a) In the early morning of 6th June, 1944, a car containing five British soldiers, described as paratroopers, was driving along the road leading through the village of Herouvillette, Calvados, Normandy, from Le Mesnil in the direction of St. Honorine.

(b) At approximately 0530 hours, when approaching the entrance to the Chateau at Herouvillette, the party were ambushed by German soldiers concealed in the drive entrance.

(c) All five British soldiers were hit when the Germans opened fire, but all were not killed outright. The car was stopped in the main road, just short of the entrance to the drive.

(d) Two, or possibly more, of the British soldiers, who were wounded and helpless, were thereupon finished off by the Germans, either by shooting, bayonetting or clubbing with rifle butts.

(e) The German soldiers engaged formed part of the German Engineer Company under the command of Captain LEO MOLTER.

(f) One of the German soldiers who finished off the wounded British soldiers was Captain LEO MOLTER's batman, by name WILLY MAUSTRUM.

PART THREE

SECRET

SUPREME HEADQUARTERS
ALLIED EXPEDITIONARY FORCE
FWD, APO 757

EXHIBIT No.1.

.....
• SECRET •
• Auth: SC, AEF •
• Initials: HIA •
• Date: 20 Aug. 1944 •

20 August, 1944.

AG 000.5-2-AGP

SUBJECT: Appointment of Court of Inquiry.

TO : All Concerned.

1. A Court of Inquiry, consisting of the following named officers is appointed, to meet at the call of the President, for the purpose of investigating and reporting on such matters as shall be referred to it:

Colonel Paul E. Tombaugh, U.S. Army, Supreme Hq, A.E.F.	President
Lt.Col. J.H. Boraston, C.B., O.B.E. (T.A.R.O. Spec. List) (British), Supreme Hq, A.E.F.	Member
Lt.Col. B.J.S. Macdonald, Essex Scottish (Canadian), Supreme Hq, A.E.F.	Member
Lt.Col. John P. Page, E.D., Tor Scot R. (MG) (Canadian), Supreme Hq, A.E.F.	Waiting Member

with, in attendance,

Capt. J.R. Gauthier, R.C.M.P.
(Canadian)
Sjt. J. Faucher, K53452, C.Pro.C.
(Canadian)
Sjt. Clayton J. Loin, Jr., 36502949,
Supreme Hq, A.E.F.
One court reporter (enlisted man), to be
designated.

2. In its report, the Court will state (inter alia):

a. The numbers, ranks, names and units of all soldiers concerned, and the names of all enemy units and/or formations in the neighbourhood of the alleged incidents at the time.

b. Whether the matter involves Allied soldiers who were entitled to be treated as prisoners of war.

c. Whether injuries or deaths involving Allied soldiers were caused by acts in violation of the laws and usages of war, and, if so, the names of the persons directly or indirectly responsible and their units and/or formations.

3. The Court is authorized to travel to such places in the combat zone in Northwestern Europe as may be necessary to carry out the assigned mission.

By Command of General EISENHOWER:

(Sgd) E. C. Boehnke

E.C. BOEHNKE,
Colonel, AGD,
Adjutant General.

RECORD OF THE EVIDENCE

of

M. ALFRED POTIER

M. Alfred POTIER is called and,
having been duly sworn, is examined as follows:-

LT. COL. BORASTON: What is your full name?

A M. Alfred Potier.

Q Are you the Mayor of Herouvilletto?

A I am the Acting Mayor.

Q Do you live at Herouvilletto?

A Yes, always.

Q How old are you?

A Fifty-five.

Q Were you at Herouvilletto on 6th June, 1944?

A Yes, I always live there.

Q Did you see anything of the English paratroops in that
neighbourhood on that day?

A On the night of 5th-6th June at about five o'clock in the morning,
one English paratroop came into my house to ask me where the
Germans were. I stayed in bed all day on the 6th June, 1944.
The same day, 6th June, a fight was going on in the village
between the English paratroops and the Germans.

Q Did you see anything of the fight yourself?

A No, I could not see because I was in bed sick.

Q Is it right that you saw nothing of any British troops passing
through Herouvilletto on that day?

A On the same day I could hear somebody walking in the back garden
and I was told that he was an English paratroop, but I did not
see him.

Q Was your wife with you in the house that day?

A Yes, my wife was with me in the house.

COL. TOMBAUGH: Did you see any Allied soldier killed on that day?

A No, I could not get up.

Q Do you know what German units were occupying the village of
Herouvilletto on 6th June?

A The Pioneer Corps was occupying the village of Herouvilletto for
the last two years.

Q Do you know the number of the unit?

A No, I could not say which number but there is a woman present
in the building now who will be able to state the number of the
Pioneer Corps.

Q Do you know the name of any of the German personnel in this
Pioneer unit?

A No, I could not say any name of the officers or soldiers of the
German Pioneer Corps.

LT. COL. MACDONALD: Do you, as Acting Mayor, not know the name of the
Officer Commanding the German troops in your village?

EXHIBIT No. 4.

A No. The woman here today knows the name of one officer who was billeted in her house.

COL. TOMBAUGH: How long have you been the Acting Mayor?

A Since 6th June, 1944.

Q Where is the Mayor now?

A The Mayor Balliere came back to Herouvilletto eight days ago, but previous y was evacuated in the region of Paris. His house was burned down.

LT. COL. MACDONALD: Was he taken away by the Germans?

A Yes.

Q Is it correct that you only acted as Mayor since 6th June?

A Yes.

Q Do I understand you to say that the man who was acting as Mayor prior to that time was evacuated by the Germans on 6th June?

A Yes.

Q How long were you ill in bed?

A Two or three days in bed.

Q Who buried the various paratroops who were killed in the village on 6th June?

A Three or four days later I saw an English paratroop lying on the road. He was buried by his English comrades.

Q When was the village captured by the English?

A On the night of 5th-6th June.

Q When did the Germans leave the village?

A The evening of 6th June.

COL. TOMBAUGH: Did you know a Capt. Molter of the Pioneer unit occupying Herouvilletto?

A I know a German captain who was commanding the Pioneer Corps occupying Herouvilletto village, but I do not know his name.

(The witness withdraws)

RECORD OF THE EVIDENCE

of

M. ALBERT DESRUES

M. A. DESRUES is called and,
having been duly sworn, is examined as follows:-

LT. COL. BORASTON: What is your name?

A Albert Desruces.

Q What is your profession?

A Retired railway employee.

Q How old are you?

A Seventy.

Q Where do you live?

A Salonelles.

Q Were you at Herouvillotte on 6th June?

A Yes.

Q Do you know Chateau le Lieu Harras?

A I know the Chateau at Herouvillotte, but I do not know it by any particular name.

Q Did you see any English soldiers killed near the Chateau on that day?

A Yes, I saw them murdered on 6th June.

Q What did you see?

A I saw one paratroop coming down in the front garden of the Chateau. As he landed he said, "Good morning. How is everything going?" and I answered him, "Everything is fine". It was about 7.30 in the morning. A German serjeant took the weapons from the paratroop.

Q Show the Court on this photograph where you were and where the paratroop was. (Handed)

A I was standing there (indicating point "A" on Exhibit "B1") and the British paratroop was standing there (indicating point "B" on Exhibit "B1") with two Germans between him and the entrance door to the Chateau.

Q Where was the paratroop when he was disarmed?

A He was there (indicating point "B" on Exhibit "B1") in front of the Chateau.

COL. TOMBAUGH: What did they do with the paratroop after he was disarmed?

A Took him through the front door of the Chateau to the back yard.

Q What happened there?

A They shot him.

Q Did you see this paratroop shot?

A Yes.

Q Did the paratroop offer resistance or try to get away?

A No.

Q Who killed him?

A A serjeant. They called him Karl.

EXHIBIT No. 6.

- Q Do you know his surname?
A No.
- Q Did you see any other paratroops killed?
A One other.
- Q Where was he killed?
A This second paratroop was killed there (indicating point "A" on Exhibit "B4")
- Q Was that paratroop armed?
A No.
- Q Did he have his hands up?
A Yes, they both had their hands up. The first paratroop had his hands up when he was taken into the Chatcau.
- Q Where were you when you saw the second paratroop shot?
A I was still standing there (indicating point "A" on Exhibit "B1").
- Q Who killed the second paratroop?
A The same man, Karl.
- Q What organization did the paratroops belong to?
A I believe the first one was an English paratroop and the second one a Canadian.
- Q What German unit occupied the village of Herouvillotte on 6th June?
A I do not know.
- Q What time of the day were these paratroops killed?
A Between 7.30 and 9.30 in the morning.
- Q Did you see any other Allied soldiers killed?
A I saw some, but they were fighting.
- LT. COL. MACDONALD: What time did you see the first paratroop shot?
A About 7.30.
- Q What time was the second one shot?
A About 8.30.
- Q Show us on the pictures where the first man was shot at 7.30.
A There (indicating point "A" on Exhibit "B4").
- Q Where were you standing when this man was shot?
A There (indicating point "A" on Exhibit "B1")
- Q Where was the second paratroop shot at 8.30?
A Behind the Chateau (indicating point behind Chateau shown in centre of Exhibit "B1")
- Q Where were you standing when you saw the second paratroop shot?
A I went round the Chateau into the back and saw him shot there.
- Q Where did the Germans interrogate the first paratroop?
A I did not see him interrogated. I only saw the second.
- Q Where did you first see the first paratroop?
A When I arrived in the court in front of the Chateau.
- Q Where was the paratroop then?
A He was in front of the Chateau.
- Q Who was with him?

EXHIBIT No. 6.

Q Do you know whether more than two paratroops were shot this way?
A I do not know. I only saw two.

Q Are you sure other civilians saw the second paratroop being shot?
A Yes, two.

Q Were they near you?
A M. Leverrier was close by, but the woman was not.

Q What did they do with the second paratroop's body?
A I do not know.

Q Did it stay there until the first paratroop was buried?
A I could not say. The same night I looked for the body of the second paratroop and I could not find it.

Q Did you find it later on?
A No.

Q Did you see the body of any other paratroop in the yard at the Chateau?
A No.

Q Did the Germans not try to stop you from seeing the shooting?
A No.

Q Did the sergeant see you there while these paratroops were being shot?
A Yes. We were afraid of being shot at, but we wanted to see everything.

Q Why were you at the Chateau at this time?
A I stayed at the Chateau myself for two days from 6th to 8th June.

Q Why do you think the second paratroop was a Canadian?
A Because he was tall and well tanned and he could speak French.

Q Did you see if the first paratroop came to the Chateau in an automobile?
A No, it was the second one.

Q Had the second paratroop been wounded before he was brought to the Chateau?
A I do not believe so.

LT. COL. BORASTON: I think you said something about him being brought in an ambulance. Who brought him in the ambulance?
A Germans.

Q Do you know who the Germans were?
A No.

Q Did they escort the paratroop from the ambulance to the Chateau?
A Yes, I saw a captain.

Q What did the captain do?
A He took the paratroop's revolver away and threw it in a trench close by.

LT. COL. MACDONALD: Do you understand German?
A No.

Q Did they question the paratroop in German, French or English, do you know?
A I could not say.

(The witness withdraws)

RECORD OF THE EVIDENCE

of

Mme. MARIE VOLOSZIN

Mme. M. Voloszin is called and,
having been duly sworn, is examined as follows:

LT. COL. BORASTON: What is your name?

A Marie Voloszin.

Q Are you the cook at the Chateau at Herouvillette?

A Yes, and have been for five years.

Q Are you married or single?

A Married. My husband is a prisoner of war.

Q How old are you?

A Twenty-four.

Q Were you at the Chateau on the early morning of 6th June?

A Yes.

Q Will you tell us what occurred on that morning?

A About 5.30 on the morning of the 6th June, 1944, I came down to the kitchen to light the fire and make breakfast for the children. A few minutes afterwards two German soldiers went out from the Chateau to the main road.

Q Did you see the Germans returning with a prisoner?

A The two Germans brought an English paratroop from the road to the Chateau. Soon after that they searched him outside the Chateau. After searching him, Karl pushed the paratroop in the back and ordered him to walk across the yard to the stable.

Q Had they interrogated the prisoner first?

A They asked him a few questions.

Q They did that while in front of the Chateau, is that right?

A Yes.

Q What happened when they took him to the stable?

A Afterwards I went to the dairy and through the window I could see the two Germans and the one paratroop walking through a lane behind the stable. A few minutes after I heard a shot and I saw Karl shooting the paratroop himself.

Q Was the other German with Karl at the time?

A Yes. The other German, the priest, waited at the front entrance to the Chateau.

Q Was there any reason that you could see for the shooting?

A I do not know.

Q Did you see the prisoner do anything which could have caused Karl to shoot him?

A No.

Q Point out on the photographs the places where you saw the prisoner interrogated and where he was taken to be shot.

A The two Germans questioned the paratroop opposite the entrance to the Chateau there (indicating point "C" on Exhibit "B1"). The building on the left of that photograph (Exhibit "B4") is the stables, beyond which the prisoner was taken. He was shot there (indicating point "B" on Exhibit "B4").

EXHIBIT No. 7.

A No.

Q Do you know the name of the commanding officer of the German troops who were at Hierouvilletto on 6th June?

A I know him by sight, but I cannot say his name.

Q Did he live at your house?

A No, he was staying in the village.

Q Do you know a Capt. Molter?

A No. I would know him by sight.

Q Do you know what German unit was in this village on 6th June?

A I do not know.

Q Did you see any other Allied soldier killed?

A Two or three days afterwards I saw a few corpses.

Q Was one of those paratroops shot at the back of the Chateau?

A No.

LT. COL. MACDONALD: Do you know where M. Desruces went when he was told to go away?

A No.

Q Was the body of the second paratroop who was shot in front of the stable door left there?

A Yes.

Q Did Karl live at the same house as you?

A No. He was staying at M. Lusset's house.

Q What was his rank?

A Sergeant.

Q Do you know whether more than two paratroops were shot in this manner?

A That is the only two I saw.

Q M. Desruces gave evidence that the second paratroop was shot at the rear of the Chateau and not here (pointing to spot "E" on Exhibit "B1"). What have you to say about that?

A I am very sure he was shot on the point marked "E" on Exhibit "B1". I know that the body remained in that position (indicating point "E" on Exhibit "B1") for at least an hour. After that time we went to a shelter underground.

Q How long were you there?

A We stayed under cover for ten days, coming out just to get food from the house.

Q Do you know when the two paratroops you have just referred to as having been shot were buried?

A About five or six days after. Many English soldiers came along and I asked them to bury them. They did so the same afternoon.

Q Do you know where they were buried?

A They were buried at the New Cemetery at Hierouvilletto.

LT. COL. BORASTON: The witness, M. Desruces, said that he saw the second paratroop shot behind the house. He also said that you were there too and also saw it.

A I saw him led from the front door of the Chateau to the front of the stables where he was shot (indicating point "E" on Exhibit "B1").

EXHIBIT No. 7.

LT. COL. MACDONALD: Did you go round to the rear of the Chateau at any time during that morning?

A Just to the kitchen.

Q Did you see M. Desruces when the paratroop was killed?

A Yes.

Q Where was he?

A There (indicating point "F" on Exhibit "B1").

Q Where was M. Desruces when the first paratroop was killed?

A I did not see M. Desruces near when the first paratroop was shot.

Q Do you think M. Desruces was not there?

A I did not see him, but perhaps M. Loverrier, who lives next door, might have seen him.

Q Who went with Karl and the first paratroop at the time the paratroop was killed?

A Karl alone and the paratroop.

Q Where was the padre during this time?

A He was waiting at the front door of the Chateau.

Q When the first paratroop was being killed?

A Yes.

COL. TOMPAUGH: Do you know of any other person besides M. Desruces that saw any paratroop killed?

A No, just the two of us were in the yard, Desruces and I.

Q What about M. Loverrier?

A Probably he was in the stable, but I could not see him.

LT. COL. MACDONALD: Were there any other German soldiers there who saw either of these paratroops being killed?

A There were two other German soldiers in front of the house with the priest at the time of the first shooting.

Q Was it the same two soldiers in each case?

A I do not know.

Q Do you know the names of any of the soldiers who saw the shooting?

A I do not know them by name.

Q What kind of a reputation did Karl have in the village?

A Not too good. He would not talk much. He would not talk to the children at all. He was not friendly like other soldiers were.

Q "He was not too good" - what was the matter with him?

A He was not like a civilised soldier.

COL. TOMPAUGH: Were the German soldiers involved from an Engineering unit billeted in Herouvillotte?

A Karl was occupied in the ammunition service.

(The witness withdraws)

RECORD OF THE EVIDENCE

of

Mme. IRENE LE HOULLIER

Mme. I. Le HOULLIER is called and,
having been duly sworn, is examined as follows:-

IT. COL. MACDONALD: What is your name?

A Irene Le Houllier.

Q Where do you live?

A Herouvilletto.

Q Were you living there around 6th June?

A Yes.

Q Did you know a German N.C.O. named Karl?

A I knew a Karl Fingenrath.

Q What was his rank?

A I do not know exactly.

Q Was he a non-commissioned officer?

A Yes.

Q What unit did he belong to?

A The Pioneer Corps.

Q Had he been at Herouvilletto for some time?

A He had been in the village since February, 1943.

Q Was he there as far as you know on 6th June?

A Yes.

Q What did he look like? How tall was he?

A Five feet ten inches.

Q What colour was his hair?

A Very fair.

Q Was it parted or combed back?

A Hair parted along the right-hand side.

Q Was it straight hair or curly hair?

A Curly on the left-hand side.

Q What colour were his eyes?

A Pale blue.

Q Anything else to describe his appearance, such as his mouth and teeth?

A False teeth and a large mouth.

Q Was he a popular fellow?

A Nobody liked him. He was very wicked. He threw a glass at me in one of the cafes.

Q Was there any reason for it?

A No, for no reason whatever. He was crazy. He used to drink quite heavily.

Q Did you see any English prisoners or other soldiers shot by the Germans?

EXHIBIT No. 9.

- A No, I did not see anybody killed, but I saw one day two English prisoners escorted by three German soldiers from an S.S. regiment down the road. They were both paratroops. One was tall and one short. That was on Tuesday, 6th June.
- Q At what time?
- A In the afternoon.
- Q Do you know the number of the Pioneer Corps unit to which Karl belonged?
- A I do not know the number, but I have the number of their mail box. The Field Post number for the time they were at Herouvilletto was 43893-B.
- Q Did Karl belong to this Pioneer unit?
- A Yes.
- Q Did you know any other Karl who was an N.C.O. located at Herouvilletto?
- A I knew one by the name of Karl who was just a soldier. He was not an N.C.O.
- Q What is your occupation?
- A Prior to 6th June I was working at Renville for a German company and since 6th June I was a waitress at Mre Bello's cafe.
- Q How long have you known Karl?
- A Since February, 1943, when he first came.
- Q How old are you?
- A Twenty-two.

(The witness withdraws)

RECORD OF THE EVIDENCE

of

M. PIERRE CHILTZ

M. P. CHILTZ is called and,
having been duly sworn, is examined as follows:-

LT. COL. BORASTON: What is your name?

A Pierre Chiltz.

Q What is your occupation?

A Mayor's secretary.

Q What is your age?

A Forty-nine.

Q Where do you live?

A Harouvillette.

Q Were you living at Harouvillette on 6th June of this year?

A Yes.

Q Did you see a car driven by British soldiers at any time that morning?

A I did not see a car arriving at Harouvillette.

Q Did you see any dead British soldiers alongside a car at a later time?

A Yes, about eleven o'clock in the morning.

Q How many?

A Four English soldiers.

Q Were they paratroops?

A Yes. The car was in the lane.

Q Were they dead when you saw them?

A Yes.

Q Can you show us on this picture where they were?

A Two bodies were there (indicating point "A" on Exhibit "A1"). Two other bodies were on the opposite side of the road there (indicating point "B" on Exhibit "A1"). There might have been three at the point there (indicating point "A"). I cannot say for certain whether there were four or five altogether. When I saw the car it was further down the road to the Chateau (shown on Exhibit "A2") but is out of range of the photograph.

Q What was the condition of these bodies?

A One of them had his face smashed in. The skull of another one was open. The others were huddled together so I could not see their injuries.

Q Did you see anything of how they were killed?

A No.

Q Do you know the German unit that was in occupation at this time?

A The Pioneer Corps. The O.C. of the Pioneer Corps was Capt. Molter.

COL. TOMBAUGH: How do you know their commanding officer was Capt. Molter?

A He was there two and a half years.

EXHIBIT No. 11.

Q Do you know the names of any of the other officers or N.C.O.s?
A No. The one who shot those first British soldiers was Willy.

Q Did you see these soldiers killed?
A No.

LT. COL. BORASTON: Have you heard of any other party of five British soldiers being killed in a car?
A No.

COL. TOMBROUGH: Do you know the names of any persons who did see these soldiers killed?
A M. Morrell, Mme. Potier, M. Cordier, Mlle Madeleine L'armie, and Mme. Avette Tricquet.

Q Is there a list of names of German officers at the Mayor's office?
A No, they would not give the names of the personnel or units.

(The witness withdraws)

RECORD OF THE EVIDENCE

EXHIBIT No. 13.

of

M. PIERRE CORDIER

M. PIERRE CORDIER is called and;
having been duly sworn, is examined as follows:-

Col. TOMBAUGH: What is your name ?

A Pierre Cordier.

Q Where do you live ?

A Herouvillotte.

Q What is your occupation ?

A Working with the English troops at present.

Q Where were you on 6th June, 1944 ?

A Herouvillotte.

Q Did you see any English soldiers killed on 6th June ?

A About 5.30 on 6th June, 1944, I saw a small car coming into the village loaded with five English soldiers.

Q How were these soldiers killed ?

A As they were coming in, a German opened fire on them and four fell off the car. The fifth was lying in the car. Afterwards a German soldier struck the soldier in the car with a rifle butt over the head and drove his bayonet in his chest.

Q Did the English soldiers do any firing ?

A No.

Q Was there firing going on in the neighbourhood at the time ?

A No, not at that moment.

Q I hand you a photograph marked Exhibit "A1". Point out where the soldiers were.

A Two were lying on the road there (indicating point "A" on Exhibit "A1") and three were there (indicating point "B" on Exhibit "A1").

Q Who killed these soldiers ?

A The German soldier by the name of Willy.

Q Do you know his surname ?

A We just know him by that name.

Q What organisation did he belong to ?

A Engineers.

Q Refer again to Exhibit "A1" and show us where you were when you saw this.

A I was standing just off the road near there (indicating point "A" on Exhibit "A1").

Q Do you know the names of any of the other German soldiers ?

A No, I know one by the name of Karl.

Q Was Karl one of the party of Germans that fired on these English soldiers ?

A I believe Karl was one of the party of Germans who were shooting at the English soldiers.

EXHIBIT No. 19.

17
Lt.Col. BORASTON: Was there more than one wounded man who was killed after falling from the car ?

A They just fell off wounded and were finished off by the soldier Willy.

Col. TOMBAUGH: Did the British soldiers have weapons ?

A I could not say. They had some pigeons in the car.

Lt.Col. MACDONALD: How many men were killed by the fire ?

A Four were killed by bullets and one finished by rifle butt.

Q Which one was he ?

A He was lying on top of the car.

Q Who killed the man who was lying on top of the car ?

A I could not say but I believe it was Karl.

Q What did he kill him with ?

A A rifle butt and bayonet.

Q Did he use both the rifle butt and bayonet on the man who was wounded in the car ?

A Yes, he used the rifle butt first on the head and then drove his bayonet in the chest.

Q Were the other four all dead ?

A No, they were still living.

Q What were they doing ?

A Two of them were behind the car with their hands up and the other two could not because they were too badly wounded.

Q What were the two doing who were so badly wounded ?

A Just lying on the ground.

Q Were the two who had their hands up standing ?

A No. (Witness demonstrates, kneeling with his hands up).

Q Why were the two men who had their hands up kneeling ?

A Because they were wounded.

Q What did the Germans do to the two who had their hands up ?

A The German soldier by the name of Willy used twelve shots on those four wounded.

Q Was this while these two men had their hands up ?

A Yes.

Q Where was Willy standing when he fired those shots ?

A Willy was standing in the road about ten to fifteen metres away from them.

Q What did he shoot with ?

A A rifle.

Q Was there any other German soldier shooting at the same time that Willy was ?

A Yes.

Q How many ?

A There were some other German soldiers firing at the same time. The captain was shooting in the air with a machine gun.

Q What was he shooting at ?

A There was nothing in the air.

EXHIBIT No. 14.

Q How far away from this shooting were you ?

A About 100 metres.

Q Was anyone with you at the time ?

A My son.

Q Do you know the names of the English soldiers who were killed ?

A No.

Q Were they paratroops ?

A I do not know.

Q Were they all killed by the first shooting ?

A Some were finished off with rifle butts but I do not know how many.

Lt.Col. BORASTON: Did you see the German soldiers striking them with rifle butts ?

A Yes.

Q Who was it you saw ?

A Willy.

Q Did all five fall or got out of the car after the first shooting ?

A They all five fell out.

Q Had the two behind the car been hit ?

A They were shot after they got off the car.

Q Was there anyone lying on the car ?

A No.

Lt.Col. MACDONALD: Do you know the German captain ?

A Only by sight.

Q Was he there ?

A He came after the shooting.

(The witness withdraws)

(At 1850 hours the Court adjourns)

RECORD OF FURTHER EVIDENCE

of

M. ALBERT DESRUES, Mme MARIE VOLOSZIN

and

M. PAUL EUGENE ALEXANDRE LEVERRIER

M. ALBERT DESRUES was called on his former oath, and, being asked to conduct the President to the place where the first paratroop whom he saw was when shot, conducted the President to a spot close to position "B" on Exhibit "B4" but slightly further from the spot marked "A" on that Exhibit. Asked to say where he was standing himself at the time, he conducted the President to the door between the kitchen and the dairy, which door is marked "C" on Exhibit "B5". From this spot the scene of the killing, as indicated by the witness, cannot be seen. Witness then explained that he did not actually see the paratroop shot at all, but heard the shot. He said that he and the witness LEVERRIER then walked along the front of the building in which are the kitchen and dairy until he could see the place where the paratroop had been shot and then went up to him. The paratroop was lying on the ground, still holding his steel helmet in his hand. He said the paratroop was shot in the forehead over the right eye, the bullet coming out at the back of the head.

Desrues was then asked to say where the second paratroop whom he saw was shot and to go to the place. Witness took the Court in at the main entrance of the Chateau (marked "A" on Exhibit "B3") and out at the back of the Chateau and indicated a spot seven yards from the Chateau wall and at right angles to the back of the room, the window of which is shown on Exhibit "B3" as "B". The approximate position of this spot is shown by an "X" marked "E" on diagram 1 on the enlargement showing Herouvilletto taken from 1:25000 GSGS4347 Sheet 40/16 NW, being Exhibit "C". Witness was then asked to say where he was standing himself at the time, and took the President to a place seventy-one yards away from the place of the shooting and in a line from the west end of the Chateau, along a garden path through an open doorway in the garden wall, to a point where four garden paths cross. The approximate position of this spot is shown by an "X" marked "F" on the said diagram. Pressed, the witness reiterated that this was the second shooting that he saw and that the time of the shooting was approximately eight o'clock to eight-thirty in the morning. He said that he had not seen the body of this paratroop after the shooting. He had got to this place (marked "F" on the diagram) by going round the west corner of the Chateau and passing through a garden entrance four yards south of the crossing of the garden paths.

Mme. MARIE VOLOSZIN was called on her former oath. The President asked witness where she was standing when she saw the shooting of the first paratroop mentioned in her evidence. She placed herself in the entrance door to the dairy which is marked "B" on Exhibit "B5". She directed one of the party to a spot past the corner of the stables (shown on Exhibit "B4") where she said the paratroop was when she saw him shot. This spot corresponds exactly with the spot marked "B" on Exhibit "B4" and is visible from the dairy door. The distance is approximately seventy yards.

Witness was then asked to say where she was when the second paratroop mentioned by her in her evidence was shot. She took up a position in front of the door between the kitchen door and the dairy door, and said that she was just inside that door looking out from it. This door is shown on Exhibit "B5" and there marked "C". She said that she saw the witness Desrues follow the paratroop towards the place where he was shot, but that Desrues was stopped by the

EXHIBIT No. 16.

- Q Did you find there the graves of certain paratroops who were shown as having been killed in action in the month of June ?
A I did.
- Q I show you Exhibit "A5". Is that a photograph of the graves which you saw there ? (Handed).
A Yes.
- Q Did you make a list of the inscriptions that you found on the crosses at the head of those graves ?
A I did.
- Q Do you now produce that list of inscriptions to the Court ?
A I do.

(List of inscriptions marked Exhibit "D")

- Q I note that each of the persons buried there is shown to have been, with two exceptions, a member of the 8th Bn Parachute Regiment ?
A Exactly.
- Q One is shown as a member of the RASC and a Corporal Burgess does not appear to have any unit shown on his grave marker ?
A Yes.
- Q All, however, are shown to have been killed on 6th June, 1944 ?
A Yes.
- Q Did you see the graves of any other soldiers in the Cemetery ?
A Yes, quite a few graves.
- Q Did you examine the inscriptions on all the British graves which you found in the Cemetery ?
A I did.
- Q Did you find any other grave markers indicating that soldiers had been buried there who died on or about 6th June ?
A Some were marked 9th and 11th June.
- Q You saw some which indicated that the soldiers had been killed on 9th and 11th June. Did you see any others which showed the soldiers as having been killed on 6th June ?
A No.

(The witness withdraws)

7

EXHIBIT No. 17.

C O N F I D E N T I A L .

SHAEF Court of Inquiry,
Headquarters 12 L of C Area,
B.L.A.

10th September, 1944.

S.C.I.-B-2.

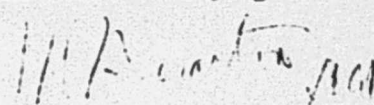
Headquarters,
21 Army Group (Intelligence),
B.L.A.

1. For the purpose of an Inquiry now being held by the SHAEF Court of Inquiry into certain incidents which occurred at HEROUVILLETTE, Calvados, France, (about six miles North East of CAEN) on "D" Day, it is desired to obtain evidence of the German unit, believed to be No. 1 Coy, 716 Division Engineering Battalion, occupying Herouvillette on that day, and of the higher German formations under whom that unit was.

2. It is also desired to obtain evidence of the British formations and units engaged at Herouvillette and its immediate neighbourhood on the night of 5th/6th June and throughout the 6th June, 1944, and whether any Canadian units were engaged there. It is believed that no Canadian troops were engaged in this area, but definite confirmation of this is required.

3. Will you please be so good, therefore, as to send to this Court, as soon as can be done, lists (a) of such German formations and units, giving names of Commanders where those are known, and stating the source or sources of the information given; and (b) of such British and Canadian formations and units.

4. Please give, also, the names of any officer or officers who, if called upon to do so, can give evidence before the Court verifying the lists.


Lieut-Col. J.H. BORASTON,
Member,
for Col. PAUL E. TOMBAUGH,
President,
SHAEF Court of Inquiry.

Copy to: SHAEF G - 1.

